

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LIFE ENRICHMENT FOUNDATION,	:	
Individually, and On Behalf of All Others	:	
Similarly Situated,	:	Electronically Filed
	:	
Plaintiff,	:	Civil Action No.: 1:07-cv-09633-LBS
	:	(ECF Case)
v.	:	
	:	Hon. Lenonard B. Sand
MERRILL LYNCH & CO., INC., E.	:	
STANLEY O'NEAL, AHMASS L.	:	
FAKAHANY, GREGORY J. FLEMING and	:	
JEFFREY N. EDWARDS,	:	
	:	
Defendants.	:	
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<i>(Additional Captions on the Following Page)</i>		

**FRANKFURT-TRUST'S NOTICE OF WITHDRAWAL WITHOUT PREJUDICE OF
ITS MOTION FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND
APPROVAL OF SELECTION OF COUNSEL**

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MICHAEL J. SAVENA, Individually, and On	:	
Behalf of All Others Similarly Situated,	:	
	:	Electronically Filed
Plaintiff,	:	
	:	Civil Action No.: 1:07-cv-09837-LBS
v.	:	(ECF Case)
	:	
MERRILL LYNCH & CO., INC., E.	:	Hon. Leonard B. Sand
STANLEY O'NEAL, AHMASS L.	:	
FAKAHANY, GREGORY J. FLEMING and	:	
JEFFREY EDWARDS,	:	
	:	
Defendants.	:	
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GARY KOSSEF, Individually, and On Behalf	:	
of All Others Similarly Situated,	:	
	:	Electronically Filed
Plaintiff,	:	
	:	Civil Action No.: 1:07-cv-10984-LBS
v.	:	(ECF Case)
	:	
MERRILL LYNCH & CO., INC., E.	:	Hon. Leonard B. Sand
STANLEY O'NEAL, AHMASS L.	:	
FAKAHANY, GREGORY J. FLEMING and	:	
JEFFREY EDWARDS,	:	
	:	
Defendants.	:	
-----		X
ROBERT R. GARBER, Individually, and On	:	
Behalf of All Others Similarly Situated,	:	
	:	Electronically Filed
Plaintiff,	:	
	:	Civil Action No.: 1:07-cv-11080-LBS
v.	:	(ECF Case)
	:	
MERRILL LYNCH & CO., INC., E.	:	Hon. Leonard B. Sand
STANLEY O'NEAL, AHMASS L.	:	
FAKAHANY, GREGORY J. FLEMING and	:	
JEFFREY EDWARDS,	:	
	:	
Defendants.	:	
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<i>(Additional Caption on the Following Page)</i>		

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JAMES CONN, Individually, and On Behalf of :	:	
All Others Similarly Situated,	:	
	:	Electronically Filed
Plaintiff,	:	
	:	Civil Action No.: 1:07-cv-11626-LBS
v.	:	(ECF Case)
	:	
MERRILL LYNCH & CO., INC., E.	:	Hon. Leonard B. Sand
STANLEY O'NEAL, JEFFREY N.	:	
EDWARDS, LAWRENCE A. TOSI,	:	
ARMANDO M. CODINA, VIRGIS W.	:	
COLBERT, ALBERTO CRIBIORE, JOHN D.	:	
FINNEGAN, JUDITH MAYHEW JONAS,	:	
AULANA L. PETERS, JOSEPH W.	:	
PRUEHER, ANN N. REESE, and CHARLES	:	
O. ROSSOTTI,	:	
	:	
Defendants.	:	
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On December 31, 2007, Frankfurt-Trust Investment-Gesellschaft mbH (“Frankfurt Trust”) filed a motion for consolidation, appointment as lead plaintiff of the securities class action against Merrill Lynch & Co., Inc., and for approval of selection of lead counsel. The State Teachers’ Retirement System of Ohio (“Ohio STRS”) also filed a motion for consolidation, appointment as lead plaintiff, and approval of selection of counsel. Having reviewed the competing motion filed by Ohio STRS, it appears that Frankfurt Trust does not possess the “largest financial interest in the relief sought by the class” as required by the Private Securities Litigation Reform Act. 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I)(bb). For this reason, Frankfurt Trust hereby withdraws its motion without prejudice to renew if, for any reason, Ohio STRS’ motion is not granted.

DATED: January 15, 2008

Respectfully submitted,

LABATON SUCHAROW LLP

By: /s/ Christopher J. Keller
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*Attorneys for Frankfurt-Trust Investment-
Gesellschaft mbH and Proposed Lead Counsel for
the Class*